

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50463 of 2022

Arising Out of PS. Case No.-396 Year-2021 Thana- ATRI District- Gaya

Sunil Chaudhary, Son of Lalmuni Cahudhary, R/o- Village-Teusa Pokhar Par,
P.S- Atri, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Atri P.S. Case No. 396 of 2021 registered for
the alleged offences under Sections 272, 273 of the Indian
Penal Code and Section 30(a)(d) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, the police received secret
informant about the petitioner manufacturing illicit *mahua*
liquor in his semi-constructed house. A raid was conducted and
150 liters of raw material was destroyed after seizure in the
house of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incrimination has been recovered from his conscious possession. In fact, the petitioner has not been living in his semi-constructed house. Moreover, the petitioner is the member of joint family. The petitioner is in custody since 04.08.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and further considering the submission of charge-sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act, Gaya in connection with Atri P.S. Case No. 396 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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